

12-06-2015

Closing statement

Recurrent Discussion on Labour Protection

(12 June 2015, Palais des Nations, Geneva)

Thank you Madam President,

The President of the Conference

The Secretary General of the Conference Mr Guy Ryder

Distinguished delegates, ladies and gentlemen

1. With the nearing of its centenary in 4 years' time, the ILO has started to revitalize itself with the first step being to recognise that the world of work is transitioning to a new modality. In his Report to the International Labour Conference, ILO DG Guy Ryder notes that change is taking place at such a speed and on such a scale as to constitute a transformation of the world of work.
2. The drivers of change including globalisation, technological advances, migration patterns and demographic trends, as referred to in the DG's report, are transforming economies, industries, companies and jobs. These forces are creating enormous new opportunities, but demand new skills, and challenge those less willing or able to adapt.
3. The Committee on labour protection dealt with challenging questions under a variety of topics within the labour protection concept, namely wage policies, working time, occupational health and safety, and maternity protection.
4. The conclusions of the Committee looked at the reasons for gaps in labour protection in today's society through three channels: coverage, level and compliance.
5. Not everyone needs labour protection, nor does labour protection need to come from employment contracts. In fact, coverage would be broadened considerably if protection were not tied to permanent open-ended contracts that make the employer liable for all associated costs.
6. In fact, the conclusions recommend that governments together with the social partners aim to identify and close gaps in the coverage of legal protection. We would add that in order for workers in new forms of work relationships to be protected, new forms of protection need to be developed, rather than trying to extend current forms that were designed for workers in traditional employment relationships. A simplistic extension of labour protection, which is traditionally linked to standard employment contracts, is neither feasible nor sustainable over the long run. There is a need to address these challenges using new and innovative means.

7. The level at which labour protection measures are set should be negotiated, as reflected in the conclusions. The approach to setting the level via negotiation should be designed to help Constituents understand the trade-offs involved in different contexts so that the Constituents can make an informed decision as to what the level should be. In particular, the level of protection should not excessively increase the costs of employment since doing so will more likely than not restrict flexibility, and will also affect employment levels.
8. Non-compliance with established rules undermines effective labour protection, hurting workers, law-abiding enterprises and communities and economies at large. While the primary responsibility for law enforcement lies with governments, employers and workers can add value to this process by ensuring that level and coverage remain within reasonable levels.
9. Flexibility, as the conclusions rightly show, is mutually beneficial as they meet the legitimate needs of enterprises and workers. Putting into place measures that promote flexible working arrangements enable more people to access income opportunities.
10. A combination of measures rather than one single approach should be adopted by policymakers to promote flexibility to the labour market and ensure adequate protection to workers. It is thus useful that our conclusions acknowledge that a multi-faceted approach is relevant in addressing the challenges that do not have the same characteristics, intensity or urgency across countries. In order to embody fully the spirit of the 2008 Social Justice Declaration, which aims to better understand the diverse realities and needs of the ILO constituents with respect to labour protection in order to effectively respond to them, it is important to acknowledge that there is no one-size-fits-all approach.
11. Though we acknowledge and recognise that the Constituents have managed to overcome controversial questions with a constructive spirit, in moving forward we need this input to serve for more effective ILO action to help constituents to improve labour protection. This needs to be based on the practical and realistic approach, as demanded for by the ILO Social Justice Declaration for a Fair Globalisation.
12. The purpose of cyclical recurrent discussions, initiated as follow-up to the 2008 ILO Social Justice Declaration, is identifying the extent to which ILO action has been successful, based on the experiences of both the Office and the Constituents, with a view to building on successes or learning lessons for future action. The goal is not to position ourselves on the variety of topics included within the “labour protection” concept, neither is it intended to be a general policy discussion. It is essentially intended to review the work done by the ILO and its Constituents to promote decent work. And we felt that again this year the conclusions were not reflective of the intended purpose of this discussion.
13. However, let us work towards addressing the challenges in attributing adequate labour protection to those who need it and in appropriate ways. In particular, let us focus on how the Office and the tripartite Constituents can better improve their action in ensuring labour protection through new and innovative means. Before action can really begin on its future work, a review of all of ILO’s means of action will be relevant, including

standards, for which we are glad to note that the ILO will be launching its Standards Review Mechanism shortly.

14. As for future recurrent discussions, we should always stick to the aim of recurrent discussions and not attempt to use this platform for a general policy discussion.
15. Finally, I would like to emphasize the importance of these last words of my closing statement: we should recall as one of the main messages the need to undertake parallel efficient action to promote the creation of income opportunities as a key tool in ensuring efficient labour protection.
16. On behalf of the Employers, I would like to congratulate all members of our Committee and especially the Officers for a job well done. Special thanks to the Chair of our Committee, Ms Janine Pitt who, with her calm yet impressive leadership, helped us to achieve this positive outcome. Thank you Madam President.